

1 BEFORE THE BOARD OF MEDICAL EXAMINERS

2 IN THE STATE OF ARIZONA

3 In the Matter of:

4 **DARRYL JOSEPH MOHR, M.D.**

Board Case No. 13420

5 Holder of License No. 11224
6 For the Practice of Medicine
In the State of Arizona.**CONSENT AGREEMENT AND ORDER**8 CONSENT AGREEMENT

9 In the interest of a prompt and judicious settlement of the above-captioned matter before
10 the Arizona State Board of Medical Examiners (Board) and consistent with the public interest,
11 statutory requirements and responsibilities of the Board and pursuant to A.R.S. § 41-
12 1092.07(F)(5), Darryl Joseph Mohr, M.D. (Respondent) and the Board enter into this Consent
13 Agreement and Order as the final disposition of this matter.

14 1. Respondent acknowledges that he has read and understands everything contained
15 in the Consent Agreement, Findings of Fact, Conclusions of Law, and Order.

16 2. Respondent understands that by entering into this Consent Agreement and Order,
17 Respondent voluntarily relinquishes any rights to challenge in state or federal court this Consent
18 Agreement and Order in its entirety as issued by the Board and waives any other cause of action
19 related thereto or arising from the Order.

20 3. Respondent acknowledges and understands that this Consent Agreement and Order
21 will not become effective until approved by the Board and signed by the Board's Executive
22 Director or designee.

23 4. Respondent acknowledges and agrees that, upon signing this agreement and
24 returning this document to the Board's Executive Director, Respondent may not revoke his
25 acceptance of the Consent Agreement and Order or make any modifications to the document,
26 regardless of whether the Consent Agreement and Order has been issued by the Executive

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1 Director Any modifications to this original document are ineffective and void unless mutually
2 approved by the parties.

3 5. Respondent further understands that this Consent Agreement and Order, once
4 approved and signed, shall constitute a public record which may be publicly disseminated as a
5 formal action of the Board.

6 6 If any part of the Consent Agreement and Order is later declared void or otherwise
7 unenforceable, the remainder of the Order in its entirety shall remain in force and effect.

8 7. Respondent acknowledges that any violation of this Order constitutes
9 unprofessional conduct pursuant to A.R.S. §32-1401(25)(r), and may result in disciplinary action
10 pursuant to A.R.S. §32-1451.

11 8 The parties mutually understand and agree that this Order constitutes a final
12 decision in the matter under investigation by the Board and referenced above in Case No. 13420
13 and any other matters expressly stated in the Findings of Fact and Conclusions of Law

14 Accepted by:

15
16 
17 DARRYL J. MOHR, M.D.
18 10-23-00

19 Date

20 Reviewed and approved as to form by

21
22 
23 HOLLY R. GIESZL
24 Counsel for Respondent

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26 
Adam P. Palmer
Counsel for Darryl J. Mohr, M.D.

1 FINDINGS OF FACT

2 By stipulation of the parties, the following Findings of Fact, Conclusions of Law and
3 Consent Order are entered for final disposition of the matters described therein.

4 1. The Board is the duly constituted authority for the regulation and control of the
5 practice of allopathic medicine in the State of Arizona.

6 2. Respondent is the holder of License No. 11224 for the practice of allopathic
7 medicine in the State of Arizona.

8 3. On or about October 22, 1999, Respondent prescribed Viagra to "Patient SA"
9 without first conducting a physical examination of Patient SA or determining whether Viagra was
10 clinically indicated or contraindicated for Patient SA. Respondent also did not have an
11 established physician-patient relationship with Patient SA. Patient SA was an agent for the
12 Federal Food and Drug Administration, who was conducting an investigation of physician
13 prescribing practices.

14 4. Following a Formal Interview on April 26, 2000, Respondent entered into an
15 Interim Consent Agreement dated April 26, 2000. That Consent Agreement for Interim Order
16 provided, in part, for the restriction of Respondent's authority to prescribe or dispense any
17 medication to any individual or patient. The case was also referred to a formal Board complaint
18 hearing.

19 5. In addition to the above, the Board received information that Respondent was
20 named as a defendant in a lawsuit filed by the Attorney General of Illinois, Consumer Fraud
21 Bureau, i.e., People v. Expressmed Services Corp., et al; and the lawsuit included allegations of
22 defendants engaging in the use of electronic internet communication for the prescribing and
23 dispensing of prescription medications and thereby violating the Illinois Consumer Fraud and
24 Deceptive Business Practices Act, Pharmacy Practice Act of 1987 and Medical Practice Act of
25 1987. Respondent and other named defendants accepted a stipulated order for settlement of the
26 lawsuit where Respondent did not admit to any illegal misconduct but agreed not to engage in the

1 internet prescribing or dispensing of prescription medications in Illinois.

2 CONCLUSIONS OF LAW

3 1. The Board possesses jurisdiction over the subject matter and over Respondent.

4 2. The conduct and circumstances described above in paragraphs 3 to 5, above,
5 constitute unprofessional conduct pursuant to A.R.S. § 32-1401(25)(q) (any conduct or practice
6 which is or might be harmful or dangerous to the health of the patient or the public.)

7 CONSENT ORDER

8 **IT IS THEREFORE ORDERED** that:

9 1. Respondent is issued a Letter of Reprimand for the above-referenced
10 unprofessional conduct and ordered to pay a fine of \$5,000.00 to the State of Arizona;

11 2. Respondent must complete forty (40) hours of continuing medical education in
12 pharmacology by June 30, 2001, which must be pre-approved by the Board's chief medical
13 consultant;

14 3. Respondent shall prescribe, dispense, or furnish prescription medications or
15 prescription-only devices in accordance with the provisions of A.R.S. §32-1401(25)(ss) at any
16 time he is practicing medicine in Arizona or treating an Arizona resident. Further, if Respondent
17 prescribes, dispenses or furnishes prescription medications or prescription-only devices in any
18 jurisdiction other than Arizona, he shall first be licensed to practice medicine in that jurisdiction
19 and otherwise shall comply with all applicable laws in that jurisdiction;

20 4. The restriction on prescribing activity described above shall remain in effect so
21 long as Respondent continues to be a licensee of the Board, unless the restriction on prescribing
22 activity defined in A.R.S. §32-1401(25)(ss) are amended and in the event that the terms and
23 conditions of that statute change, any changes shall be applicable to Respondent, and

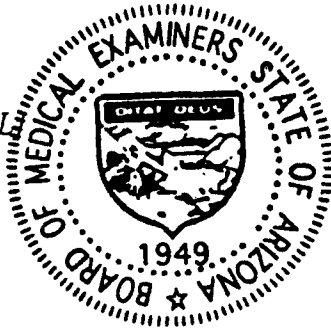
24 5. Respondent shall remain in compliance with current or subsequent laws and
25 administrative rules governing a holder of a Board license to practice medicine.

26

1 DATED and EFFECTIVE this 6th day of November, 2000

2 BOARD OF MEDICAL EXAMINERS
3 OF THE STATE OF ARIZONA

4 [SEAL]



5 Claudia Foutz
6 CLAUDIA FOUTZ
7 Executive Director

8 Original of the foregoing filed this
9 9th day of November, 2000, with:

10 Arizona Board of Medical Examiners
11 9545 E. Doubletree Ranch Road
12 Scottsdale, Arizona 85258

13 Copy of the foregoing mailed this
14 9th day of November, 2000, to:

15 Darryl J. Mohr
16 33 E. Comstock Drive Ste. 3
17 Chandler, Arizona 85225
18 Respondent

19 Holly R. Gieszl, Esq.
20 Kummerer & LaVelle, P L C
21 221 E. Indianola Avenue
22 Phoenix, Arizona 85012
23 Attorney for Respondent

24 M. Elizabeth Burns
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26 1275 W. Washington, CIV/LES
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